



1995 SENATE BILL 602

March 5, 1996 - Introduced by Senators ZIEN, DRZEWIECKI, WELCH, SHIBILSKI, ROSENZWEIG, HUELSMAN, WEEDEN, ELLIS, FARROW, A. LASEE, BUETTNER, COWLES, SCHULTZ, DARLING, PANZER and FITZGERALD, cosponsored by Representatives PROSSER, GROTHMAN, LADWIG, LAZICH, ZUKOWSKI, OTTE, VRAKAS, HUEBSCH, SCHNEIDERS, OWENS, WALKER, AINSWORTH, KLUSMAN, UNDERHEIM, GOETSCH, GARD, HANDRICK and SKINDRUD. Referred to Committee on State Government Operations and Corrections.

1 **AN ACT to amend** 301.21 (title), 301.21 (1) (intro.), 301.21 (1) (e), 301.21 (1) (g),
2 301.21 (1) (j), 301.21 (2) and 302.02 (3t) of the statutes; **relating to:** contracts
3 providing for the confinement of prisoners of this state in another state.

Analysis by the Legislative Reference Bureau

Under current law, the department of corrections (DOC) may enter into contracts with Minnesota or with other states that are a party to the interstate corrections compact (a party state) to provide for the confinement in Minnesota or the party state of prisoners who have been committed to the custody of DOC. A contract involving the transfer of more than 10 prisoners to any one state other than Minnesota in a fiscal year must be approved by the legislature or by the joint committee on finance.

Current law requires a contract with Minnesota or a party state to contain certain provisions, including provisions relating to all of the following: 1) the costs of maintaining a prisoner transferred under a contract; 2) participation by a transferred prisoner in employment programs; 3) the delivery and retaking of prisoners under the contract; and 4) any other matters that are necessary and appropriate to fix the obligations, responsibilities and rights of this state and Minnesota or the party state. In addition, under current law a contract with Minnesota must provide for procedures for probation, parole and discharge of a transferred prisoner and procedures for Minnesota officials to report to DOC concerning Wisconsin prisoners. A contract with Minnesota also must provide for the waiver of extradition by both Minnesota and this state.

Current law also specifies that a prisoner who has been transferred to Minnesota under a contract authorized under current law is subject to all of the laws and regulations that relate to the confinement of a person who violates Minnesota law, unless the contract provides otherwise. Finally, a prisoner transferred to Minnesota must be treated in accordance with the same standards of reasonable and

humane care as the prisoners would receive in an appropriate institution in this state, while a prisoner transferred to a party state must be treated in a reasonable and humane manner and must be treated equally with similar prisoners of the party state confined in the same institution.

This bill provides that DOC may enter into contracts with any other state or with a political subdivision of any other state to provide for the confinement in that other state of a prisoner committed to the custody of DOC. A contract with another state or a political subdivision of a state authorized by this bill is subject to the same provisions and requirements as those specified for a contract with Minnesota under current law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 301.21 (title) of the statutes is amended to read:

2 **301.21 (title) Contracts with Minnesota other states.**

3 **SECTION 2.** 301.21 (1) (intro.) of the statutes is amended to read:

4 301.21 (1) (intro.) The department may enter into one or more contracts with
5 the another state of Minnesota or a political subdivision of another state for the
6 transfer and confinement in Minnesota that state of prisoners who have been
7 committed to the custody of the department. Any such contract shall provide for all
8 of the following:

9 **SECTION 3.** 301.21 (1) (e) of the statutes is amended to read:

10 301.21 (1) (e) Waiver of extradition by ~~Minnesota and Wisconsin~~ and the state
11 to which the prisoners are transferred.

12 **SECTION 4.** 301.21 (1) (g) of the statutes is amended to read:

13 301.21 (1) (g) Regular reporting procedures concerning Wisconsin prisoners by
14 Minnesota officials on Wisconsin prisoners of the state or political subdivision with
15 which the department is contracting.

1 **SECTION 5.** 301.21 (1) (j) of the statutes is amended to read:

2 301.21 (1) (j) Any other matters as are necessary and appropriate to fix the
3 obligations, responsibilities and rights of ~~Minnesota and Wisconsin~~ and the state or
4 political subdivision with which the department is contracting.

5 **SECTION 6.** 301.21 (2) of the statutes is amended to read:

6 301.21 (2) Inmates from Wisconsin state prisons while in ~~Minnesota~~
7 ~~institutions~~ an institution in another state are subject to all provisions of law and
8 regulation concerning the confinement of persons committed for violations of the
9 laws of ~~Minnesota~~ that state, except as otherwise provided for by any contract
10 entered into under sub. (1).

11 **SECTION 7.** 302.02 (3t) of the statutes is amended to read:

12 302.02 (3t) (title) ~~MINNESOTA~~ OTHER STATES' INSTITUTIONS. For all purposes of
13 discipline and for judicial proceedings, each ~~Minnesota~~ institution of another state
14 or of a political subdivision of another state authorized for use under s. 301.21 and
15 the precincts thereof shall be deemed to be in a county in which the institution is
16 physically located, and the courts of that county shall have jurisdiction of any
17 activity, wherever located, conducted by ~~such Minnesota~~ the institution.

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(END)